

THE SEWER BOARD OF THE CITY OF NEW ALBANY, INDIANA HELD A MEETING IN THE 3RD FLOOR ASSEMBLY ROOM OF THE CITY/COUNTY BUILDING, NEW ALBANY, INDIANA ON TUESDAY, JUNE 19, 2007 AT 3:30 P.M.

PRESENT: Chairman Mayor James Garner, Vice Chairman Bill Utz, Kevin Zurschmiede, Todd Solomon and Larry Kochert.

OTHERS: Attorney Greg Fifer, Tim Crawford, Brian Dixon and Rob Sartell, EMC, and City Clerk Marcey Wisman.

CALL TO ORDER:

Mayor Garner called the meeting to order at 3:32 p.m.

PLEDGE OF ALLEGIANCE:

APPROVAL OR CORRECTION OF THE FOLLOWING MINUTES:

Sewer Board minutes for June 5, 2007

COMMUNICATIONS - PUBLIC:

Gary Brinkworth addressed the board about Autumn Springs and was wondering how their meeting went on Saturday and if they had a decision on the deal with Autumn Springs.

Mr. Fifer stated that they are about \$600,000 short for phase 2 and 3 of Basin 35. He stated that they understood that they were willing to put up front \$180,000 in tap fees and they are just waiting for Mr. McCormick to let them know if they have the money to fund the rest of it. He stated they wouldn't need the money all up front but that Mr. Christmas would be putting together a construction plan that would detail when they would need the funds.

Mr. Brinkworth stated that Pat Lilly is putting up duplexes in Georgetown and that there may be a problem because of the lack of capacity in the Robert E. Lee lift Station.

Mr. Christmas explained that they have monitored the Robert E. Lee line and they believe that they have removed some I&I with the Interceptor work, but it is hard to really tell how much until they have a rain event to see how much capacity there really is.

Mr. Fifer asked Mr. Brinkworth how many more gallons this project would create.

Mr. Brinkworth stated about 3,800 gallons.

Mr. Fifer asked Mr. Christmas if the lift station could handle that amount.

M. Christmas stated that their opinion has not changed on this issue. The interceptor has taken out substantial I&I and that the pump is operating above its capacity.

Mr. Fifer stated that barring any complications they are gong to vote tonight to start fixing the Robert E. Lee lift station. He explained that unless someone says there is an eminent risk of over-flow with this addition while the repairs are being made they have a contractual obligation to Georgetown. He asked if they could wait until the end of the meeting to hear from Mr. McCormick about whether or not they were going to move forward with Robert E. Lee and Basin 4.

Mr. Solomon stated that the engineer is saying that they can't certify that but the board is being asked to go ahead and approve it.

Mr. Dixon stated that it doesn't need to be certified.

Mr. Solomon stated that in his opinion the commitment to EPA usurps the commitment to Georgetown.

Mr. Kochert asked Mr. Brinkworth if he can get the developers out there to help bring money in to get the project done.

Mr. Brinkworth stated that he is working with a developer that will need to hook onto the Robert E. Lee line and he will take a similar proposal. He stated that he has another project that will need 85,000 credits on 2 Mile Lane which will consist of residential, apartments and commercial properties.

Mr. Fifer stated that at the next zoning meeting he should tell them that he has some credits awarded for a project and it would be helpful to know what they are going to build over the next year or two of phase one and bring that information back to the board.

Mr. Solomon stated that he believed they need to get with EPA about this because this project will need to be certified.

Mr. Brinkworth stated that he has one more project on St. Joe Road at the Glen Leonard property. He would like to build 48 patio homes on this property.

Mr. Dixon stated that this does not go to Basin 35.

Mr. Brinkworth stated that they will need 14,400 credits and asked what he needed to do next.

Steve Tolliver reported that they just installed fiberglass sleeves on two lines that have taken out a lot of clear water from these lines. He presented packets to the board members that included a proposal and Statement of Qualifications to take over the sewer plant management. He stated that he has included a business card if they have any questions or would like to talk with him further.

Mayor Garner asked how firm the amount is in the proposal.

Mr. Tolliver responded firm.

Mr. Solomon asked what the largest plant they manage at this time is.

Mr. Tolliver answered that at this time the largest is 2M gallons in Floyd County.

COMMUNICATIONS - CITY OFFICIALS

SEWER ADJUSTMENTS:

Item #1 - Paul Hsiao, 416 W. 7th Street re: sewer adjustment for a leak

Mrs. Welsh reported that he had a leak but he has not provided her office with any information to support that claim. She reported that the Silver Creek pre-liens went out today in the amount of \$61,010.93 and Stormwater pre-liens in the amount of \$83,000.00 and 2003 pre-liens in the amount of \$70,481.00. She stated that they have a small amount of 2005 left and 2007 and they will be caught up.

Mr. Schmidt asked if there was a three year limit on filing liens.

Mrs. Welsh stated that there is no statute of limitations on filing liens.

Mr. Fifer explained that the only limitation that he knows of is for continuous property ownership.

Ms. Welsh said that from the \$370,000 delinquents on the existing list from Helvey they still have about ¾ left to research and she would like to expedite it as quickly as possible. She explained that the State Board of Accounts is fully aware that they are going back to 1999 to collect on the Helvey accounts.

Mr. Schmidt stated that these should have been filed earlier.

Ms. Welsh explained that they didn't get them until 2004 and they went back to 1999 because IN American Water had sent them to collections and when they got them back there was over \$600,000 in delinquents.

Mayor Garner stated that Helvey no longer works for IN American Water and they basically dropped a list in the laps of the previous administration and left it at that. He explained that if Mr. Schmidt knows of a more prevalent statute he should e-mail it to Ms. Welsh and Mr. Fifer.

Mrs. Welsh stated that she is having a problem with not getting any information from the Sheriff's office on the properties that are going up for Sheriff Sale. She wanted to know what she needs to do so that they can collect on the delinquent bills.

Mr. Fifer stated that if they have a lien recorded then they come first even before the mortgage company but if they do not have one recorded then they will lose out on it. He asked Ms. Welsh to let him know if she gets notice of the foreclosure and he can file a claim against it, but that is about all he can do.

NEW BUSINESS:

OLD BUSINESS:

Item #1 - Donohue re: Project Update

Mr. Dixon stated that Greenbaum has been notified that CSX will have a flagman at the 15th street track starting July 2 so they can start their geotechnical work. He also presented a contract from Pipe Eyes for them to review or take action on.

Mr. Solomon asked if this amount was more than what they brought to them.

Mr. Dixon stated that it was originally something else but they had to add in the cost of taking materials to the landfill.

Mayor Garner asked where they were taking it to and if it was wet or dry.

Mr. Dixon stated the Clark/Floyd Landfill and explained that there is some moisture in it.

Mr. Solomon stated that he would like for Paul Elling to look over this before they make a decision because the price is creeping up to what Reynolds was going to be.

Mrs. Haley presented a sewer credit list that has 6 projects that she would like to get approval on for a total of 30,000 credits.

Mr. Solomon stated that 4 of these projects are in Georgetown and they should wait to see if they have enough money for the Robert E. Lee pump station job.

Mr. Utz moved to approve the projects not in Georgetown, Mr. Kochert second, all voted in favor.

Mr. Dixon stated that he was contacted by MAC Construction who is building onto Montessori School and that they were originally issued 10,230 credits in 2003. He has tried to contact them to find out their enrollment because the 10,230 credits would accommodate 600 students.

Mayor Garner stated that they may have less than 250 students.

Mr. Dixon asked if they felt comfortable letting them build the second phase.

Mr. Solomon stated that he would like to know what their projections are and he gave Mr. Dixon some contact info for the school.

Mr. Fifer stated that the board cannot tell people who have already been issued credits that they cannot move forward with their project because it will get the board sued.

Mr. Dixon stated that he will contact the Fondrins to see how many credits they are using and if they are not using the full amount of credits he will permit MAC to move on with the build, but if they are using all of their credits he will come back to the board with this.

Mr. Kochert stated that they need to get to the Council as soon as possible about the funding for upcoming projects so that way they won't have to worry about over-flow. He stated that it is the board's responsibility to see to it that these projects have the funding and if they don't they need to stop issuing credits and they need to change the way the things are done.

Mayor Garner stated that they are doing what they can as far as meeting with individuals and contractors but it is a funding issue and they can't control the funding, that has to go to the Council.

Item #2 - Clark Dietz re: Project Update

Mr. Christmas addressed the board and he issued the letter to Team extending the tree mitigation to November. He reported that the dry weather drop at the REL interceptor is 59,000 gallons. They are still waiting for a substantial rain event to monitor the wet weather flows. He stated that the appraisals for Basin 35 should be starting. He reported that DNR wants the wooded easement to be completely replanted and he didn't know how the board would want him to respond to the same wooded condition.

Mr. Solomon said he should tell them of the potential health concerns with the trees growing into the sewer lines and creating over-flow situations.

Mayor Garner stated that they could also potentially cause over-flows into the DNR controlled creek.

Mr. Christmas stated that he tried to point this out to them and he said he can go back and forth with them with ideas but he just wanted to let the board know what they were wanting.

Mr. Solomon stated that for him the bottom line is that this could potentially be a health concern.

Mr. Fifer asked if they could be planted on the very edge of the easement so that they will affect the pipes as little as possible.

Mayor Garner asked Mr. Christmas to go back and talk with them again and to point out that they also don't want to violate the Clean Air and Water Act.

Mr. Christmas stated that they are also requiring that they plant trees along the Arbor Ridge subdivision and that they may need to get permission to go all the way to the creek. He stated that when we get this issue taken care of we will have all the necessary permits to start Basin 35. He stated that he checked the daily work schedules for the Charlestown Road force main and they were in that area in July of 04 but there weren't any reports of cutting a traffic loop.

Mr. Dixon stated that the Street Department reported to DELTA that they were receiving complaints about having to stop at the light when there was no traffic coming; he guesses this was late at night; Delta went out to check it and found that the last loop had been cut. He stated that this was done in January of 2005 and they sent out someone to put in a timer, and they sent the bill to the City. He stated that the force main was there where the loop was but that the water company also did work in the same place so he can't tell them who cut the line. He stated that he is in the process of getting an estimate for the one that was cut on Slate Run.

Mayor Garner asked him to let them know when they get the info on the Slate Run one.

Mr. Christmas stated that out in the Basin 35 area where the work will be going through they are now building a KFC and he asked if they knew who he needed to contact, because they are about to pave where they will be laying line.

Marc McCormick stated that he spoke to State Board of Accounts and they informed him is that they can take sanitation out of the sewer fund with an ordinance passed by the council.

Mr. Fifer went over a draft ordinance that he has prepared for this purpose.

Mr. McCormick stated that what he would suggest that after the ordinance is passed instead of putting this into a separate checking account that it go into a sweep account. He explained that this account would require a certain amount in the checking portion and anything over that amount would be swept into a savings account. He also reported that he helped get the money market account rate raised to 4%. He then went over the four year budget with the changes made to reflect what they discussed in their Saturday work session.

Mr. Solomon asked if he had talked with Ruckman to see what they were willing to give for the Basin 35 project.

Mr. Fifer stated that he spoke with them this morning and stated that he would get with them in conjunction with other projects to let them know if they have enough money to reasonably cover both projects.

There was a lengthy discussion as to what years the council was requiring in their ordinance G-06-39 and how best to present the information.

Mr. Utz moved to approve the 2007 and 2008 budget subject to the amendments requested, Mr. Solomon second, all voted in favor.

The board requested that the budget be presented to the council for their July 2 meeting along with information regarding the performance of the up-grades.

Mayor Garner stated that Montessori School is expecting 600 students as of 2010.

Mr. Fifer said that he believes they have to let them go ahead with this because they have already been issued the credits.

Mr. Dixon stated that he will tell MAC to move forward with their build.

Mr. Fifer stated that they will need to calculate the tap-fee properly and bring it back to the board at the July 3 meeting.

EMC REPORT:

Rob Sartell presented two Tort claims and a quote from Delta Electric for \$13,500 for the back-up float system at Charlestown Rd.

Mr. Utz moved to approve Delta Electric's quote of \$13,500 for the Charlestown Rd. back-up float system, Mr. Solomon second, all voted in favor.

Mr. Sartell presented a tort claim from Elroy Vennie at 3608 Dove Circle for a blockage in the main line caused by roots. He hired a plumber to come out and take care of the issue and is asking to be reimbursed for the sum of \$229.00.

Mayor Garner asked if he is advising that they take care of this.

Mr. Sartell stated that based on past practice that they should.

Mr. Utz made a motion to approve, Mr. Solomon second, all voted in favor.

Mr. Sartell presented a Tort claim for 1137 and 1135 Griffin Street due to grease in the line for a total amount of \$5598

Mr. Solomon stated that if this is being cleaned and the customer's are putting grease in the lines he doesn't believe that we should be liable for this.

Mr. Sartell reported that he also included in everyone's packet a copy of the NPDES Facility Notice of Inspection and for the first time ever they have received satisfactory marks in every category.

Mr. Dixon reported that the Vaccon Truck went up and they want to know how to apply the \$20,000.00.

Mayor Garner stated that it had to be treated as a trade in.

Mr. Dixon reported that on South Audubon they need to replace line that they do not have an easement for.

Mr. Fifer asked them to go out and talk with the property owners and he will draft an agreement to be signed by the property owners.

Mr. Dixon reported that he did receive a copy of the check stub from MAC for the flagger.

Mr. Solomon motioned to approved the claim for the Flagger for the MAC project on 15th Street, **Mr. Utz** second, all voted in favor.

Mr. Dixon asked what they wanted him to do with the Lewis Street project.

The Board told him to move forward with the Lewis Street project.

Mayor Garner stated that he should wait until July 1st because he believes the amount is going up from \$150,000 to \$300,000 for bids.

Mr. Solomon asked about the amended Consent Decree

Mr. Fifer said it may be awhile before they receive that.

BIDS:

CLAIMS:

ADJOURNMENT:

There being no further business before the Sewer Board, the meeting adjourned at 6:20 p.m.

Respectfully submitted,

Mayor James Garner, Chairman

Marcey J. Wisman, City Clerk